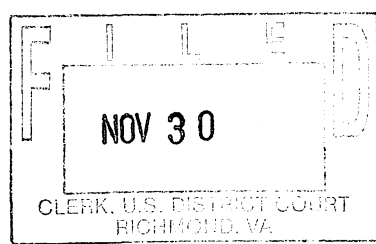


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



ANTONIO DARRELL SMITH,)
)
 Plaintiff,)
 v.)
)
 MS. THORPE, *et al.*,)
)
 Defendants.)

Civil Action No. 3:17CV673-HEH

MEMORANDUM OPINION
(Dismissing Action Without Prejudice)

By Memorandum Order entered on October 26, 2017, the Court conditionally docketed Plaintiff's action. (ECF No. 3.) The Court directed Plaintiff to affirm his intention to pay the full filing fee by signing and returning a consent to collection of fees form. The Court warned Plaintiff that a failure to comply with either of the above directives within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

By failing to return a consent to collection of fees form, Plaintiff has not complied with the order of this Court. As a result, he does not qualify for *in forma pauperis* status. Furthermore, he has not paid the statutory filing fee for the instant action. *See* 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. *See* Fed. R. Civ. P. 41(b).

Accordingly, this action will be dismissed without prejudice.

An appropriate Order shall accompany this Memorandum Opinion.

Date: Nov. 30, 2017
Richmond, Virginia

HEH /s/
HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE